

Requested by Representative RUIZ

**PROPOSED AMENDMENTS TO
HOUSE BILL 4127**

1 On page 1 of the printed bill, line 2, before the period insert “; creating
2 new provisions; and amending ORS 653.256”.

3 Delete lines 10 through 12 and insert:

4 “(2)(a) ‘Employee’ means an employee who is subject to federal or state
5 laws relating to minimum wage and overtime and who works at a warehouse
6 distribution center.”.

7 On page 2, line 42, delete the first “the” and insert “any”.

8 On page 3, line 5, after “section” insert “, in the language the employer
9 regularly uses to communicate with the employee,”.

10 Delete lines 11 through 29 and insert:

11 “(3)(a) An employer may not take an adverse employment action against
12 an employee for failing to meet a quota for which an employee did not re-
13 ceive written documentation required under subsection (1) of this section.

14 “(b) A person who alleges a violation of this section may file a complaint
15 with the Commissioner of the Bureau of Labor and Industries in the manner
16 provided by ORS 659A.820.

17 **“SECTION 4. Employee right to request.** (1) If a current or former em-
18 ployee of an employer believes that the employee has been disciplined for
19 failing to meet a quota, the current or former employee shall have a right,
20 upon request, to receive records as follows:”.

21 On page 4, delete lines 6 through 10 and insert:

1 “(5) The Commissioner of the Bureau of Labor and Industries may order
2 an employer to produce the records described under this section.

3 “(6) An employer’s failure to comply with the requirements of this section
4 shall subject the employer to a civil penalty under ORS 653.256.

5 **“SECTION 5. Effect of collective bargaining agreement. Sections 3
6 and 4 of this 2024 Act do not apply to an employer who is subject to a
7 collective bargaining agreement:**

8 **“(1) Under which employees are subject to a performance evaluation
9 metric that is subject to review and negotiation according to the terms
10 of the agreement; and**

11 **“(2) That provides for rights to request records that are substan-
12 tially equivalent to the rights provided under section 4 of this 2024 Act.**

13 **“SECTION 6. Nothing in sections 2 to 4 of this 2024 Act relieves an
14 employer of the obligation to comply with any other provision of law,
15 including the provisions of ORS chapter 652, 653 or 654.**

16 **“SECTION 7. ORS 653.256 is amended to read:**

17 **“653.256. (1) In addition to any other penalty provided by law, the Com-
18 missioner of the Bureau of Labor and Industries may assess a civil penalty
19 not to exceed \$1,000 against any person that willfully violates ORS 653.025,
20 653.030, 653.045, 653.050, 653.060, 653.261, 653.265, 653.272, 653.606, 653.611,
21 653.616, 653.621, 653.626, 653.631 or 653.636 or section 5, chapter 537, Oregon
22 Laws 2015, or section 4 of this 2024 Act, or any rule adopted thereunder.**

23 **“(2) In addition to any other penalty provided by law, the commissioner
24 may assess a civil penalty not to exceed \$1,000 against any person that in-
25 tentionally violates ORS 653.077 or any rule adopted thereunder.**

26 **“(3) Civil penalties authorized by this section shall be imposed in the
27 manner provided in ORS 183.745.**

28 **“(4)(a) All sums collected as penalties under this section shall be first
29 applied toward reimbursement of costs incurred in determining the vio-
30 lations, conducting hearings under this section and addressing and collecting**

1 the penalties.

2 “(b) The remainder, if any, of the sums collected as penalties under sub-
3 section (1) of this section shall be paid over by the commissioner to the De-
4 partment of State Lands for the benefit of the Common School Fund of this
5 state. The department shall issue a receipt for the money to the commis-
6 sioner.

7 “(c) The remainder, if any, of the sums collected as penalties under sub-
8 section (2) of this section shall be paid over by the commissioner to the De-
9 partment of Human Services for the benefit of the Breastfeeding Mother
10 Friendly Employer Project. The department shall issue a receipt for the
11 moneys to the commissioner.”.

12 In line 11, delete “6” and insert “8”.

13 In line 13, delete “7” and insert “9”.

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